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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
December 6, 2010**

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Jon Osborne, Frank Campana, Ian McSweeney, Tom Carr, Andy Fulton, Greg Begin, Jan Snyder, Ray Eaton, Tina Connor

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Mr. Frank Campana commented on the reading in the newspaper that the town hired a former Police Chief as a part-time officer. He said that they are now paying for a part time officer and for the prosecutor out of the part time officer line. Mr. Campana said that he asked about the prosecutor and how she would get paid; he is interested to see how that line will be increased. Mr. Campana commented on hiring a person with that level of experience as a part time officer and asked how long it will be before they are asking to promote him to Deputy Police Chief and allowing him to bring a vehicle home with him. Chairman Clow said that the reason for hiring another part time officer is because a part time officer, who is fully certified, was hired as a full time officer to fill a vacant position. This was a replacement and not an additional part time officer. The part time officer has twenty-six years experience and is fully certified, was hired at a rate of around \$16.00 per hour, and lives in Bow. He will not be taking a car home. There is a possibility of him working more hours because he is certified.

Mr. Campana commented that as a tax payer and as a friend he was sorry to see Mr. Carl Knapp leave. He is hoping that with the exit interview that the Board might have done, that whatever the issues were, the Board had an opportunity to see what could have been done to keep him on board. Mr. Campana said that Mr. Knapp presented issues that came up with the Highway Department and he seemed very resourceful. He stated that Mr. Knapp ran all the departments down there, the town sent him to training to be certified for town septic and town water and now they have lost that. Mr. Campana knows that someone else can step in, but the town has lost the investment and he feels that Mr. Knapp is a great loss to the town.

Mr. Campana commented on going by the Weare/New Boston town line and noticing that there were two tree cutting crews in that section of Rt. 114. He did not see a New Boston police cruiser working the detail. Mr. Campana feels that police details in Weare are over done and some are unwarranted.

Mr. Campana mentioned that the SAU and John Stark High School hold a workshop in regards to the budget and how to make a proposed budget less than a default budget.

Mr. Ian McSweeney, resident and tax payer, said that he would like to speak about the crossings on Mountain Road. The first crossing that you come to on Mountain Road is the crossing for the town parking lot at Ferrin Pond. The next crossing is at the hunting cabin. Mr. McSweeney feels that because the town granted permission for the hunting cabin there is an obligation to have access for those taxpayers and they are obligated to provide access to the town parking lot. Mr. McSweeney said the crossing that he is concerned with is the crossing just beyond the hunting cabin because he questions the legal authority to do that crossing. Beyond the crossing there

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are fourteen town lots and five hundred twenty-eight acres that are held privately. Mr. McSweeney said that providing that crossing would benefit private citizens and questions the town spending several tens of thousands to gain access for private citizens. RSA 231-59 allows the upgrading of Class VI roads under certain criteria and protocol and usually is only allowed when that is the only access to the area. The opinion from LGC is that if there is another access to the privately owned land then the town can not expend money to upgrade the Class VI road. The fourteen town lots can be accessed through the deeded right-a-way from Bogue Road that was upgraded by PSNH. Mr. McSweeney said it would be foolish to spend money for this access when there is access from another means. Providing this third crossing would provide a road through Bogue Road onto Mountain Road.

Dredge and Fill Application – Mountain Road – Mr. Tom Carr, Wetlands Scientist, said that the crossing that Mr. McSweeney is protesting is on Ebon Paige Road. Mr. Carr made note that they are applying for a waiver for these two crossings from the Wetlands Bureau. He informed the Board that when they first looked at these structures to pass one hundred year storms they became an astronomical expense for a Class VI road. He had a meeting with DES Wetlands Bureau and discussed proposing a lower structure.

Mr. Carr said that they are looking at the deeds further up to the west and there are several indications of a loop road created back in the late 1800s. Selectman Lacasse asked about the culvert needing repair on the loop road. Mr. Carr said that the culvert was restored.

The hunting cabin, built on Lot 245, was granted a zoning variance for access eight to ten years ago. At the time, the Conservation Commission was not notified of the zoning variance or they would have brought up that you cannot drive through the crossing on Buxton Road. Wetlands rules state that you cannot drive through a stream.

Mr. Carr said that the structure for the crossing at the Ferrin Pond parking lot is being proposed at a span of twenty-one feet. The structure will only allow for a two year storm to pass before it flows around the structure. It will allow for emergency vehicles to access the land. They did research steel span bridges from a company out west and concluded that the shipping charges were astronomical. Mr. Carr said that the concrete bridge spanning twenty-one feet will sit on footings because they are allowing the one hundred year storm to wash over. The pre-cast panels with eye beams in them will sit on four feet deep footings. Mr. Carr told the Board that he asked Mitchie Corp for cost estimates but has not received a response yet. He estimates that the first structure of twenty-one feet will cost \$15,000 and mentioned that the third structure for the Ebon Paige crossing is thirty foot span.

The second crossing is where Mountain Road and New Highway split and is a stone box culvert on New Highway was damaged during the PSNH power line rebuilding and was restored. Mr. Carr said that this is a twelve inch corrugated pipe on the Mountain Road section that is damaged at the inlet and backs up. It is causing erosion and being that everyone has access to Mountain Road on New Highway they feel they should remove it. The cost would be minimal to take out the culvert and restore the stream bed with no culvert and creating a channel. In the future, if there was a need, they could put a span in without a wetlands permit. Chairman Clow said when this was previously brought up it was discussed that it was not possible to legally remove it. Mr. Carr said that he reviewed the site with Mike Dahlberg and they are both of the opinion that New Highway is a public way and they have not found anything that said it was private. Chairman Clow said that the context was just to close that piece and not worry about that crossing. Chairman Clow said if they were to close it, he has concerns that four wheeled vehicles can go through the stream. Mr. Carr said they are proposing boulders on both sides. Mr. Carr said that they have a big problem with ATV use in that area. He thinks the town ordinance says that the ATVs are not allowed on Class VI roads and they have asked for police assistance. Andy Fulton said that the ATVs cannot be there legally and they have no obligation to them. Mr. McSweeney said that the proposed plan has boulders on both sides and he feels it might be beneficial to move a set of boulders down towards New Highway so as to help with enforcement; Mr. Carr agreed.

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Mr. Carr said that the final part of the permit is the Ebon Paige Road which crosses with Mountain Road and heads into Deering. This particular crossing is a big one. They backed down from a one hundred year storm to a two year storm and are looking at a thirty foot span. There is a beaver dam causing the water to back up. There is six inches of head space at the two year storm and he hopes the Wetlands Bureau will look at this favorably. The land is town owned on both sides with no private abutters.

Chairman Clow asked if the original complaint that went to the state involving these crossings included Ebon Paige. Mr. Carr said he understands that Ebon Paige was not included in the complaint.

Vice Chairman Butt mentioned the sub division off of Ebon Paige. Mr. McSweeney said that it has been taxed as non buildable lots for over ten years. Mr. McSweeney said that there are twenty-five lots that are accessed beyond the Ebon Paige crossing. Fourteen of the lots are owned by the town and are two to five acres each totaling forty-six acres owned by the town.

Mr. Carr informed the Board that the permit is complete, has been presented to the Conservation Commission, and they are fine with it but the Selectmen need to sign the application. He knows that there will be ongoing discussion, particularly with the Ebon Paige crossing. Mr. Carr suggests submitting the application the way it is and if they decide not to do the construction the town is not obligated to do so. He thinks that the Buxton Brook crossing is necessary because it accesses Ferrin Pond and the town gave the cabin owner a building permit. The state issued orders to the cabin owner telling them they cannot have vehicle access to the cabin. Mr. Carr thinks that the intent from the Conservation Commission is a good one.

Vice Chairman Butt questioned where they would get the funding and asked Mr. Fulton if there have been funds earmarked. Mr. Fulton, Chair of the Conservation Commission, said that there are no funds earmarked at this time. Once the plan is accepted by the state, the state has ninety days to ask for information and seventy-five days to review. They would be looking at approval in late summer and once it is approved the permit is good for five years.

Selectman Lacasse said that the first two crossings are disturbing silt. He asked Mr. Carr is the brook downstream of the Ebon Paige crossing would get rid of the silt before it gets to the body of water. Mr. Carr said that the water quality with Buxton Brook is not an issue, but they are caught between use and the law.

Selectman Donison said that in looking at Buxton Brook, this approach would be around \$100,000 and asked if there is another way to access these properties. Selectman Donison would like to know if they proceed and get approval, at what point are they obligated to do the upgrades. Vice Chairman Butt said that the Buxton Brook crossing is the only access to Ferrin Pond, he can't conceive of a more convenient access and the priority he would have would be to provide legal access. Selectman Donison asked that if they decided to go forth with this application should they have a warrant article. Chairman Clow said that they are obligated to do this first step to show good faith, but they do have the option of how much of it is necessary. Chairman Clow recommends they sign the application. Vice Chairman Butt questioned the boulders on Mountain Road and asked if that in fact puts bars and gates on that road and do they need approval to do so. Chairman Clow said that someone did mention procedures to follow for closing a portion of a Class VI road.

Selectman Laccase moved, Vice Chairman Butt seconded to approve the chair signing the application. Passed 5-0-0

2011 BUDGET DISCUSSION

Fire Department – Ray Eaton, Fire Chief, said that their requested budget is \$39,000 more than this year's budget because of a request for \$26,000 for a part time Fire Chief. Primex will help out with the interviewing process for the Fire Chief. Chief Eaton said that for a part time position that is a good salary. Vice Chairman Butt commented that there looks like there is a wage increase for the Fire Department secretary. It was discussed that no department heads are including increases in their budgets. Selectman Lacasse asked about the Fire Commissioner's salary line. Chief Eaton said that line is drawn on twice a year and there is one payment

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remaining. They pay him to do the inspections through the fire prevention wage line. This line has never been increased, is always over spent, and brings in revenue of approximately \$3,000-\$4,000. Chief Eaton does not charge the Town Offices or schools for inspections. Vice Chairman Butt asked about increasing the rate charged to cover the cost of the inspection. There are some inspections that require multiple inspections. If he does the inspections next year and he has to use his own vehicle he will charge the town mileage. Vice Chairman Butt said that there is off setting revenue and it should be offset by the revenue and included in the default. Vice Chairman Butt said he went over the numbers for wages and one thing that the voters were told is that they would be saving in that line because of the per diem employees. Chief Eaton said that the thought was to save money on intercepts, which dropped from \$12,000 down to \$3,150.

Vice Chairman Butt said that in looking at the amount of money they are paying the per diems there has to be some savings and he would like some backup information for justification. Chief Eaton said that they have eight new EMTs they are trying to work into the system. Vice Chairman Butt said that he thought the intent was to reduce. Chief Eaton said it is the first year with the per diem employees and they don't have all the information available. He does not know how much money they are saving.

Vice Chairman Butt questioned the training line request of \$16,000 when they have only spent \$6,000 this year. This line has been spent relatively low in past years and he asked why there is such an increase. Chief Eaton said that they have done a lot of training this year, there are ten people that need training next year totaling \$4,300, and fourteen more than need to take a refresher course totaling \$500. The total being requested for training next year is \$16,120. Selectman Lacasse asked if the fire fighters work in other towns. Chief Eaton said they do not, but the EMTs do. Vice Chairman Butt asked if they have any commitment from these people saying that they will stay if they pay for their training. Chief Eaton said they are currently discussing a point system and procedures. Vice Chairman Butt said that the training is the highest he has ever seen. Chief Eaton said that the training officer wants to train the employees the best that they can. He said that they were told to put down everything they want/need when forming their budget; he knows they will not get it all. Some of the training is required and has to be done. Chief Eaton said that they try to put on at least six new people each year.

Vice Chairman Butt asked what the fall back is on the Fire Chief situation. Mr. Jon Osborne, Chairman of Board of Fire Wards, said that they meet with Primex, don't have a back up, and would like to be able to take the money from the default. Mr. Osborne said that this is an area they will be addressing between now and March.

Vice Chairman Butt mentioned that prior to the per diems the revenue from ambulance billing was used to purchase vehicles and now there is no revenue to offset the cost of the vehicles needed. Mr. Osborne said that ambulance calls have been down. Mr. Osborne said that most town's this size have budgets that are over \$500,000. Chairman Clow said they need to look at it realistically. Mr. Osborne said if they had a budget of \$364,000 he feels that they would only need an additional \$11,000, but the following year they would need a \$30,000 increase. The turnout gear has increased by \$5,100 because they hired additional people and they need to purchase the gear.

Vice Chairman Butt asked for information on the per diem costs.

Police Department – Chief Begin informed the Board that he does not have all of his figures in yet. The Board discussed the salary of the secretary and Vice Chairman Butt asked that there be explanations noted in the budget. Only one employee receives the longevity bonus. Chief Begin said that the overtime line is up. Vice Chairman Butt commented on the part time officer wage line, which was budgeted at \$90,350 this year and only \$55,000 is being requested for next year. It was discussed that the difference is the salary for the prosecutor, which was moved into a separate line. Dispatch is down because they now dispatch with Bow. Vice Chairman Butt would like to know the consumption of fuel per gallons. Chief Begin said he would like to put in \$4,900

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for the replacement of side arm weapons (line 738); they will be trading in their current weapons. There are currently ten full time officers and two part time officers; they are short one full time officer.

Mr. Campana asked if the budget includes wage increases or health insurance increases. It was discussed that there are no wage increases unless it is contractual, but the insurance has increased.

Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 9:35 p.m. pursuant to the authority granted in RSA 91-A:3II (b and c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Board talked to Chief Begin regarding a new hire.

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 9:54 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

MANIFESTS

Chairman Clow moved, Selectman Lacasse seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated December 9, 2010. Passed 4-0-1; Selectman Lacasse abstained.

Accounts payable	\$664,300.32	(John Stark \$250K, Weare \$350K)
Gross Payrolls	\$41,214.05	(Includes Taxes, Credit Union, Police Detail)
	\$7,328.84	(Per Diem EMT/Fire)
	\$4,610.14	(Monthly Fire)
	\$12,011.54	(Accruals)
	<u>\$624.36</u>	(Welfare Officer)
Total	\$730,089.25	

MEETING MINUTES

Vice Chairman Butt moved, Selectman Lacasse seconded to approve the minutes of November 15, 2010 as amended. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to approve the minutes of November 22, 2010 as amended. Passed 5-0-0

Chairman Clow moved, Selectman Lacasse seconded to approve the minutes of November 29, 2010 as amended. Passed 5-0-0

ADMINISTRATIVE REPORT – Naomi Bolton, Town Administrator, informed the Board that there would be no increase on the Avitar contract. The contract is for Avitar to do forty days of general assessing work and if they go over the forty days there would be an additional charge to the town. There is no performance bond. The contract for 2011 is the last year of a three year agreement. The Board will solicit bids for the assessing contract for 2012. Three Board members need to sign the Avitar contract for \$85,500.

They received a form from the State of NH for the nomination of the local Health Officer and the Board needs to sign the nomination form.

Naomi Bolton, Town Administrator, informed the Board that she received correspondence regarding E911 mapping. There are benefits associated with going to a state wide E911 mapping, there is no cost at this time, but there could possibly be a charge in the future. The state is not aware of an associated fee. Naomi Bolton, Town Administrator, told the Board that Chief Eaton would like to go with the state E911 mapping, but Judy Rogers has concerns with future associated costs. It was discussed that if you are using a land line than 911 can locate where you are and if using a mobile phone the E911 mapping could find the location of the caller within 100 meters. The town will receive the maps and digital data at no charge.

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Today was the deadline for Solid Waste bids. Jeff Denning was the only document she received back and the bid is 3% higher than last years. There is an out clause in the contract. Naomi Bolton, Town Administrator, will put together the information for the Board.

There is a list of companies that Naomi Bolton, Town Administrator, can call regarding the Town Report and Mailer. Town and Country has an extensive reference list of towns in New Hampshire. The low bid was from Select Print Solutions of North Brookfield, MA. Select Print Solutions was approximately \$1,000 less than other bidders. She would like to get a few references from area towns and would like to find out the specific details of the bid. Some bidders did not provide the information requested.

OTHER BUSINESS – Selectman Lacasse would like to get an idea of where the Board is heading with the Building Committee, he has people willing and waiting to join the committee. Vice Chairman Butt said the committee would be project based. Selectman Donison asked what the purpose of the Building Committee would be. Selectman Lacasse said to make recommendations on building needs, review proposals as they come in, and comment on bid specs. He feels that the Board should move in the direction of how the Library construction was done, contractor run, with an apples to apples bid because having contractors come in and give a bid does not work. Chairman Clow said that his priority is to focus on this building and in a sense the Building Committee would be project based. Selectman Lacasse said it would be more of a review and comment role on specs and recommend changes to the bid spec to the Board. Selectman Lacasse does not think that the Building Committee has the right to go out and get the work done. Selectman Donison said that his frustration with the Building Committee was who was going to go out and get the prices and the specs. Selectman Lacasse said they should hire someone for that; the Building Committee cannot hire a firm, but recommend to the Board that they hire a firm to prepare the specs so that the town can bid it out. Vice Chairman Butt is concerned with going in many different directions and he would rather get this building done.

Selectman Donison asked that if they retain the service of someone to put together specs are they able to tap the Government Building and Maintenance Fund. Chairman Clow said for something that is specifically needed to do a project correctly, but not for a needs assessment or study. Vice Chairman Butt said that there is a limited amount of money in that fund and they need to decide if they should put an article on the warrant to fund it.

Selectman Lacasse would like to know if he should move ahead and invite people to join the Building Committee knowing that they will have a real job or are they going to move ahead without a Building Committee. Vice Chairman Butt would like it to be projected loaded, not a committee, and does not know why they need a formal committee opposed to a resource group. Vice Chairman Butt felt that the Building Committee did not have the expertise to offer a sound judgment.

Vice Chairman Butt said that the volunteers need to be recognized for their contributions, they do not need to post their meetings, and can meet when needed based on a certain project. Chairman Clow does not want it to give the Selectmen an excuse for not moving on the issues.

Chairman Clow moved, Selectman Lacasse seconded to enter into non public session @ 10:45 p.m. pursuant to the authority granted in RSA 91-A:3II (a and c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Board discussed letter from Carl Knapp regarding final payout.

Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 10:55 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Donison seconded to adjourn @ 10:56 p.m. Passed 5-0-0

ADJOURNMENT

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A True Record.

Cherry Palmisano, Recording Secretary